

GENERAL COUNSEL'S OPINION NUMBER 59-7(b), DATED 29 JUNE 1959

TO THE CHIEF, FINANCE DIVISION

1. You have forwarded for our opinion a claim by Mr. E.C.W. for reimbursement for the cost of storing his household effects in the United States from 1 December 1954 to 12 February 1959. Mr. W. transferred to ☐ in May of 1954 under orders authorizing the storage. The authorization was purportedly rescinded by communication to the field in September, 1954, on the grounds that ☐ was not an emergency area.

2. Mr. W. alleges that paragraph 11 of ☐ authorized the storage of his household effects notwithstanding the fact that furnished quarters were not provided him. We do not agree. Although the structure of paragraph 11 of ☐ is misleading, we think that, when read in its entirety, it must be construed as dealing with the storage of household effects only with respect to individuals transferring to or from posts at which furnished quarters are provided.

3. Notwithstanding the above, we consider that there is adequate authority for the payment of this claim.

☐ Agency Notice ☐ dated 5 December 1952, included the post in question in its delineation of "emergency areas" for the purpose of administering this provision. Paragraph 3a(1)(c) ☐ dated 18 August 1953, provided for the authorization of "the payment or reimbursement of the cost of storing the furniture and household and personal effects . . . of employees when it is administratively determined that emergency conditions exist at the field station." Mr. W's. travel order authorized the storage. The subsequent attempt to revoke this authority is without effect; a travel order cannot be modified in such a way as to change vested rights. (23 Comp Gen. 713) This is doubly true where the change is predicated on a misconception (the supposed exclusion of T. from the "emergency area" determination).

4. On the facts presented, the requirements of the law and regulations appear to have been met, and the claim is therefore proper for payment.

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